

IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION

HAROLD JONES,	§	
	§	
Plaintiff,	§	
	§	
V.	§	No. 3:16-cv-2331-K-BN
	§	
SELECT PORTFOLOIO SERVICING,	§	
INC. AND THE BANK OF NEW	§	
YORK MELLON,	§	
	§	
Defendants.	§	

**ORDER ACCEPTING FINDINGS, CONCLUSIONS, AND RECOMMENDATION  
OF THE UNITED STATES MAGISTRATE JUDGE**

After making an independent review of the pleadings, files and records in this case, and the Findings, Conclusions, and Recommendation of the United States Magistrate Judge dated October 12, 2016, the Court finds that the Findings, Conclusions, and Recommendation of the Magistrate Judge are correct and they are accepted as the Findings, Conclusions, and Recommendation of the Court.

The Court **GRANTS** Defendants' Motion to Dismiss [Dkt. No. 7] and Plaintiff's Motion for Leave to Amend [Dkt. No. 14]. Plaintiff's claim for violation of 12 C.F.R. § 1024.38(b) is dismissed with prejudice and Plaintiff's claims for violations of 12 C.F.R. § 1024.41 and for negligent undertaking are dismissed without prejudice.

Plaintiff shall have 21 days from the date of this order to file an amended complaint consistent with the Findings, Conclusions, and Recommendation referenced above. If Plaintiff fails to file an amended complaint, the case will be dismissed with prejudice without further notice.

**SO ORDERED.**

**Signed November 3<sup>rd</sup>, 2016.**

  
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ED KINKEADE  
UNITED STATES DISTRICT JUDGE